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U.S. 1ST CIRCUIT COURT OF APPEALS

Criminal Law & Procedure

US v. Worthy, No. 13-1831

In this appeal, defendant - who was ultimately convicted of various offenses arising out of his participation in a drug conspiracy - challenges the decision of district court in dismissing the indictment against him without prejudice, rather than with prejudice, after finding that the government violated the Speedy Trial Act (STA). Judgment is affirmed, where: 1) the parties agree that defendant was not timely brought to trial under U.S.C. section 3161(c)(1); 2) the district court did not abuse its discretion in prescribing a sanction under the STA, as it considered the delay and appropriately discounted it by the seriousness of the underlying drug offense, defendant's own responsibility for the delay, and the lack of prejudice; 3) dismissal without prejudice is not a toothless sanction itself, and imposes considerable costs; and 4) although defendant experienced presumptively prejudicial trial delay, other counterbalancing factors outweigh this deficiency and prevent constitutional error.